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Chambers of Vincent L. Briccetti

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
UNITED STATES OF AMERICA,

v.

TYRECK DOUGLAS,

Defendant.
-----X

ORDER

17 CR 505-9 (VB)

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On August 8, 2019, the Court sentenced defendant Tyreck Douglas to a total term of 92 months' imprisonment,¹ to run concurrently to the remainder of an undischarged 10-year term of imprisonment that defendant was then serving in state custody, which had been imposed on August 21, 2014 (the "undischarged state sentence").²

The Court arrived at this 92-month sentence in the following manner: First, it determined that a sentence of 156 months' imprisonment was the appropriate sentence in this case (a sentence that was considerably below the applicable sentencing range of 228-270 months' imprisonment). However, because the Court also determined the undischarged state sentence resulted from another offense that was relevant conduct to the instant federal offense, and that defendant would not receive credit from the Bureau of Prisons ("BOP") against his federal sentence for the 64 months defendant had already served on the undischarged state sentence, the Court adjusted the federal sentence downward to 92 months' imprisonment, from what otherwise would have been a 156-month sentence. (156 – 64 = 92). The Court's reasoning was explained at length on the record at the time of sentencing and is also set forth in the Judgment entered on August 9, 2019.

In other words, **the sentence in this case is 92 months' imprisonment, which commenced running on August 8, 2019.** According to the BOP website, defendant's projected release date is February 18, 2026, which (assuming defendant receives credit for good behavior while in BOP custody) is consistent with the foregoing.

Nevertheless, defendant has recently written a series of letters (dated December 29, 2022, January 10, 2023, and January 11, 2023) to the Court (and to the Clerk of Court) complaining that the BOP has miscalculated his federal sentence. In particular, defendant claims the Court reduced his 92-month sentence by 64 months, such that the sentence imposed was actually only

¹ The Court also imposed a five-year term of supervised release to commence upon defendant's release from imprisonment.

² Defendant was convicted on his guilty plea to racketeering conspiracy and possession of a firearm in furtherance of a crime of violence. Specifically, defendant admitted he was a member of a violent street gang that engaged in drug trafficking and robberies of other drug dealers, and that in furtherance of the gang's activities, he fired a 9-millimeter semi-automatic handgun at rival gang members on April 4 and April 9, 2014.

28 months. This is clearly incorrect. As explained above, the sentence is 92 months' imprisonment, not 28 months' imprisonment.

Defendant also claims he was told various different things about the length of his sentence by his former defense attorney and/or by a probation officer. The Court does not know what he was told or by whom, but it does not matter. The sentence is 92 months' imprisonment. It commenced running on August 8, 2019. Defendant has served approximately 41 months so far. He has approximately 51 months left to serve, although, as noted above, it is possible that period will be shortened if defendant receives credit for good behavior while in BOP custody.

The relief requested in the various letters defendant submitted is DENIED in all respects for the reasons set forth above.

Chambers will mail a copy of this Order to defendant at the following address:

Tyreck Douglas, Reg. No. 79419-054
FCI Schuylkill
Federal Correctional Institution
P.O. Box 759
Minersville, PA 17954-0759

Dated: January 20, 2023
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read 'Vincent Briccetti', written over a horizontal line.

Vincent L. Briccetti
United States District Judge